

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,
#82138

Plaintiff,

vs.

TREVOR ALCINDOR, *et al.*,

Defendants.

2:10-cv-02143-JCM-GWF

ORDER

This is an action on a civil rights complaint pursuant to 42 U.S.C. § 1983, removed from state court (amended complaint, ECF #22). The court first considers plaintiff's motion for appointment of counsel (ECF #32).

Plaintiff has filed a motion seeking the appointment of counsel in this case (ECF #32). A litigant in a civil rights action does not have a Sixth Amendment right to appointed counsel. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). In very limited circumstances, federal courts are empowered to request an attorney to represent an indigent civil litigant. The circumstances in which a court will make such a request, however, are exceedingly rare, and the court will make the request under only extraordinary circumstances. *United States v. 30.64 Acres of Land*, 795 F.2d 796, 799-800 (9th Cir. 1986); *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986).

A finding of such exceptional circumstances requires that the court evaluate both the likelihood of success on the merits and the plaintiff's ability to articulate his claims in pro se in light of the complexity of the legal issues involved. Neither factor is dispositive, and both must be viewed

1 together in making a finding. *Terrell v. Brewer*, 935 F.2d 1015, 1017 (9th Cir. 1991)(citing *Wilborn*,
2 *supra*, 789 F.2d at 1331). The district court has considerable discretion in making these findings. The
3 court will not enter an order directing the appointment of counsel. Plaintiff's amended complaint
4 demonstrates his ability to articulate his claims, and the legal issues do not appear to be complex.
5 Plaintiff's motion for the appointment of counsel is denied.

6 The amended complaint was previously screened by the court (ECF #21). The matter
7 shall now proceed.

8 **IT IS THEREFORE ORDERED** that plaintiff's motion for appointment of counsel
9 (ECF #23) is **DENIED**.

10 **IT IS FURTHER ORDERED** as follows:

- 11 1. The Clerk shall electronically **SERVE** a copy of this order, the court's original screening
12 order and a copy of plaintiff's amended complaint (ECF #22) on the Office of the
13 Attorney General of the State of Nevada, attention Pamela Sharp.
- 14 2. Subject to the findings of the Screening Order, the Attorney General's Office shall advise
15 the court within **twenty-one (21) days** of the date of the entry of this order whether it can
16 accept service of process for any named, but unserved defendants. As to any of the
17 named defendants for which the Attorney General's Office cannot accept service, the
18 Office shall file, *under seal*, the last known address(es) of those defendant(s).
- 19 3. If the Attorney General's Office declines to accept service for any of the defendant(s),
20 plaintiff shall file a motion identifying those defendant(s), requesting issuance of a
21 summons, and specifying a full name and address for said defendant(s).
- 22 4. If the Attorney General accepts service of process for any named defendant(s), such
23 defendant(s) shall file and serve an answer or other response to the complaint within
24 **sixty (60) days** from the date of this order.
- 25 5. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been entered
26 by counsel, upon their attorney(s), a copy of every pleading, motion or other document

1 submitted for consideration by the court. Plaintiff shall include with the original paper
2 submitted for filing a certificate stating the date that a true and correct copy of the
3 document was mailed to the defendants or counsel for the defendants. If counsel has
4 entered a notice of appearance, the plaintiff shall direct service to the individual attorney
5 named in the notice of appearance, at the address stated therein. The court may disregard
6 any paper received by a district judge or magistrate judge which has not been filed with
7 the Clerk, and any paper received by a district judge, magistrate judge, or the Clerk which
8 fails to include a certificate showing proper service.

9 **IT IS SO ORDERED.**

10 DATED: January 31, 2012.

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14 UNITED STATES MAGISTRATE JUDGE
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